

DISTRICT OF NEW JERSEY

Document

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Caption in Compliance with D.N.J. LBR 9004-1(b)

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CIT Bank, N.A., f/k/a One West Bank, N.A., f/k/a One

West Bank, FSB



Order Filed on January 2, 2018
by Clerk

U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-17677-VFP

Adv. No.:

Hearing Date: 11/2/16 @ 11:00 a.m.

Judge: Vincent F. Papalia

In Re:

Marion Nunez,

Debtor.

ORDER RESOLVING MOTION FOR RELIEF FROM STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: January 2, 2018

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Mario Nunez

Case No: 17-17677-VFP

Caption of Order: ORDER RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, CIT Bank, N.A., f/k/a One West Bank, N.A., f/k/a One West Bank, FSB, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 375-377 Wabash Avenue, Paterson, NJ 07503, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Benjamin Ginter, Esquire, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of December 18, 2017, Debtor is in arrears for the months of May 2017 through December 2017 for a total post-petition default of \$17,994.00 (10 @ \$2,249.25);

It is further **ORDERED, ADJUDGED and DECREED** that Debtor will begin adequate protection payments per the Loss Mitigation Order as of January 1, 2018; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$17,994.00 shall be added to the affidavit of amount due and paid through the Chapter 13 plan if the loan modification is unsuccessful; and

It is further **ORDERED, ADJUDGED and DECREED** that nothing in this order shall bar Secured Creditor from collecting the full, regular monthly payment in the event the loss mitigation discussions are unsuccessful;

It is further **ORDERED, ADJUDGED and DECREED** that if loss mitigation negotiations are unsuccessful, Debtor is responsible for the difference between the adequate protection payment & the regular monthly payment for all months since the filing of the petition; and

It is further **ORDERED, ADJUDGED and DECREED** that for the duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments, adequate protection payments, or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

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Debtor: Mario Nunez

Case No: 17-17677-VFP

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It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.